

IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL

WRIT PETITION NO. 438 (SS) OF 2006

Meena Negi, D/o Sri Gopal Singh Negi,
R/o Village & P.O. Lohali, Block Betalghat,
District Nainital. Petitioner.

Versus

1. State of Uttaranchal, through the Secretary, Education (Basic), Government of Uttaranchal at Dehradun.
2. Additional District Education Officer (Basic), Nainital.
3. Block Education Officer, Development Block Betalghat, Nainital.
4. Km. Mamta Bhatt, D/o Sri Leela Dhar Bhatt, R/o Village & P.O. Lohali, Block Betalghat, District Nainital.

.....Respondents.

Mr. Vinod Tiwari & Mr. Manav Sharma, Advocate for the petitioner.
Learned Standing Counsel for the State.

Dated: 29.03.2006

Hon'ble Rajesh Tandon, J.

Both the parties have agreed that let the writ petition be finally disposed of at the admission stage.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the appointment letter dated 23.01.2006 (Annexure No. 6) issued by the respondent no.3 in favour of the respondent no.4. Further prayer has been made for a writ of mandamus directing the respondents to appoint the petitioner on the post of Shiksha Mitra in Primary School Lohali-II, Village Lohali Block Betalghat, District Nainital.

2. Briefly stated, the petitioner is a permanent resident of Village & Gram Sabha Lohali, Block Betalghat, District Nainital at the time of making application for the appointment of Shiksha Mita and was eligible for the same.

3. In the month of August, 2005, one post of Shiksha Mitra was advertised for Village Lohali, Block Betalghat, District Nainital, which was reserved for women candidate only.

4. Pursuant to the aforesaid advertisement, eight candidates, including the petitioner applied. According to the petitioner out of eight candidates, three were called who were not eligible for the said post. The Gram Shiksha Samiti prepared a comparative Chart of the marks scored by each candidate in different examinations and sent it to Block Shiksha Samiti along with all the applications and other supporting documents submitted by the candidates. Aforesaid list of candidates is quoted below:-

क्रम सं 0	नाम अभ्यर्थी	पिता/पति का नाम
1	श्रीमति पुष्पा जलाल	W/o श्री टीकम सिंह जलाल
2	कु0 मीना नेगी	श्री गोपाल सिंह नेगी
3	श्री विरेन्द्र सिंह	श्री नारायण सिंह
4	हरेन्द्र सिंह	रतन सिंह
5	कु0 ममता भट्ट	लीलाधर भट्ट
6	श्री नीरज नेगी	गोपाल सिंह नेगी
7	श्रीमती रेखा बिष्ट	W/o श्री देवेन्द्र सिंह बिष्ट
8	गीता दानी	श्री ख्याली राम दानी

The grievance of the petitioner is that she was at Serial No. 2 in the merit list, but she has not been given the joining, whereas the person, who was at Serial No. 5 has already given the joining.

Petitioner has submitted that in this regard, the petitioner has moved a representation (Annexure No. 8) before the Chairperson, Gram Shiksha Samiti, Lohali, but the same has not yet been disposed of.

In view, of the above, the respondents are directed to dispose of the representation of the petitioner in the light of the merit list contained as Annexure 1 to the writ petition

within a period of three weeks form the date of presentation of the certified copy of the order.

Writ petition is disposed of. No order as to costs.

Copy of the order to be given within 24 hours.

(Rajesh Tandon, J.)

29.03.2006

Rathour